

REMARKS

The application has been reviewed in light of the Office Action dated March 8, 2004. Claims 1-20 are pending with claims 1, 15, 17, and 19 being in independent form. No Claims have been amended. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1, 4-15, 17 and 19 were rejected under 35 USC 102(e), as allegedly being anticipated by U.S. Patent 6,445,694 to Swartz. Claims 2-3, 16, 18 and 20 were rejected under §103(a), as allegedly unpatentable over Swartz in view of U.S. Patent 6,463,462 to Smith et al. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit independent claims 1, 15, 17 and 19 are patentably distinct from the cited art, for at least the following reasons.

Independent claim 1 relates to a method of sending, receiving and managing messaging data through a shell interface to a computer operating system of a computer, the shell interface containing logical and virtual references to components on the computer, comprising installing a messaging component into the shell interface, displaying at least one messaging entry through the shell interface, the displayed messaging entry identifying received faxes, voicemails and/or pager messages and invoking an appropriate communication service for accessing one of the received faxes, voicemails and pager messages, wherein the selected message is selected through the shell interface.

Swartz, as understood by Applicant, relates to an internet controlled telephone system. Using a web browser running on a subscriber computer, the subscriber assesses a predetermined web page at a predetermined URL. The host services computer responds with a request to the subscriber to enter a user ID and password. If successful, the host transmits a main menu webpage having hypertext links to different web pages to the subscriber machine.

Accordingly, Swartz relates to a web-based interface system.

The Office Action suggests that Swartz discloses that if desired, special purpose client application programs may be used to communicate with the host services computer without using a general purpose browser (page 5, paragraph 6 of Office Action).

However, any use of independent applications has significant drawbacks including the need of the user to learn to use the interface to the application and the services are made available only when the user executes the application program (see Applicants specification page 2, line 21 – page 3, line 3.)

The Office Action also suggests that the Swartz internet controlled telephone system can be advantageously implemented by routines such as DLLs which make telephone subscriber functions available through an open application programming interface (API). (See col.3, lines 60 - 65.) Swartz, by way of example, refers to a Windows operating system which provides specifications for a computer/telephone interface named “TAPI” which is documented in a Software Development Kit (SDK). The SDK includes documentation, tools, and sample code to assist application programmers in adapting programs to be compatible with TAPI (col. 3, line 65 – col. 4, line 13:)

TAPI is simply a set of software routines in Windows-based operating systems that may be used by application software to control modems and other telephony devices in order to communicate with those devices (Applicants specification, page 1, lines 21 – 26.)

However, applicants find no teaching or suggestion in the cited art of a method of sending, receiving and managing messaging data through a shell interface to a computer operating system of a computer, the shell interface containing logical and virtual references to components on the computer, comprising installing a messaging component into the shell interface, displaying at least one messaging entry through the shell interface, the displayed

messaging entry identifying received faxes, voicemails and/or pager messages and invoking an appropriate communication service for accessing one of the received faxes, voicemails and pager messages, wherein the selected message is selected through the shell interface, as recited in independent claim 1.

Accordingly, Applicants submit independent claim 1 is patentably distinct from the cited art.

Independent claims 15 and 17 are believed to be patentably distinct from the cited art for at least similar reasons.

In addition, Applicants find no teaching or suggestion of a system for sending, receiving and managing messaging data, comprising at least one messaging client having a shell interface to a computer operating system of a computer, the shell interface with a messaging component to display at least one messaging entry through the shell interface, as recited in independent claim 19.

Accordingly, Applicant submits independent claim 19 is also patentably distinct from the cited art.

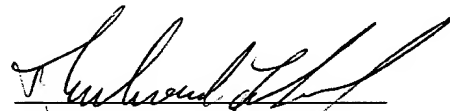
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', written over a horizontal line.

RICHARD F. JAWORSKI

Reg. No. 33,515

Attorney for Applicants

Cooper & Dunham LLP

Tel.: (212) 278-0400